

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MEMORANDUM OPINION
AND ORDER**

Criminal File No. 10-69 (MJD/TNL)

(19) AGUSTIN NUNEZ-REYNOSO,

Defendant.

Andrew Dunne, Assistant United States Attorney, Counsel for Plaintiff.

Agustin Nunez-Reynoso, pro se.

This matter is before the Court on Defendant's Motion to Reduce Sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendments 782 and 788 to the U.S. Sentencing Guidelines. (Doc. No. 1260.)

I. BACKGROUND

Defendant was charged in Count 1 of the Second Superseding Indictment with conspiracy to possess with intent to distribute cocaine, methamphetamine,

marijuana, and MDMA (“Ecstasy”), in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 841(b)(1)(C), and 846. (Doc. No. 524.)

Defendant was tried by a jury and on April 14, 2011, the jury found Defendant guilty as charged in Count 1. (Doc. No. 656.) The jury found the following with respect to drug quantities involved in the conspiracy: 5 kilograms or more of cocaine; 500 grams or more of a mixture or substance containing methamphetamine; less than 100 kilograms of marijuana; and 1000 tablets or more of Ecstasy. (Id.)

At sentencing, the Court determined that the applicable guideline range was 262 to 327 months, based on a total offense level 38 and criminal history category II. The Court sentenced Defendant to a term of 240 months. (Doc. No. 760.)

In January 2015, Defendant filed a motion to reduce sentence pursuant to Amendment 782 of the U.S. Sentencing Guidelines applicable to drug cases. (Doc. No. 914.) Thereafter, counsel was appointed to assist Defendant in this motion. (Doc. No. 995.) The Court granted the Defendant’s motion pursuant to

Amendment 782¹ and reduced Defendant's sentence from 240 months to 210 months. (Doc. No. 1068.)

II. DISCUSSION

In his current motion, Defendant again seeks a lower sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendments 782 and 788 to the U.S. Sentencing Guidelines. Because Defendant has already received the relief provided in Amendment 782, which reduced by two levels the base offense levels assigned by the Drug Quantity Table for each drug quantity and for all drug types, Defendant is not entitled to further relief pursuant to this Amendment. Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Reduce Sentence (Doc. No. 1260) is **DENIED**.

Date: April 28, 2022

s/Michael J. Davis

Michael J. Davis

United States District Court

¹ Amendment 788 made retroactive the changes set forth in Amendment 782.